

**Excerpts from Chief Justice Corrigan's Address
State Bar of Michigan Annual Meeting
September 12, 2003**

THE FAMILY IS IN CRISIS, PROBABLY AS NEVER BEFORE IN OUR COUNTRY'S HISTORY. AS A RESULT, CHILDREN ARE TERRIBLY AT RISK. THINK ABOUT THESE NUMBERS AND WHAT THEY REPRESENT: IN 2002, THERE WERE 237,651 NEW FAMILY COURT FILINGS IN MICHIGAN. THAT'S 67 PERCENT OF ALL CIRCUIT COURT FILINGS FOR THAT YEAR. DIVORCING COUPLES WITH CHILDREN FILED 25,172 NEW CASES IN 2002. THAT SAME YEAR, 17,725 NEW PATERNITY CASES WERE FILED. IN FACT, IN OUR STATE, ALMOST HALF OF ALL OPEN CHILD SUPPORT CASES ARE ALSO PATERNITY CASES. STATEWIDE, WE HAVE 800,000 SUPPORT CASES. IF EACH CASE REPRESENTS A MOTHER, A FATHER, AND ONE CHILD, THAT'S ROUGHLY 2.5 MILLION PEOPLE. WE HAVE AN EPIDEMIC ON OUR HANDS OF CHILDREN GROWING UP WITHOUT THE INVOLVEMENT OF BOTH PARENTS, CHILDREN GROWING UP WITHOUT ADEQUATE FINANCIAL SUPPORT, CHILDREN GROWING UP WITHOUT STABILITY AND GUIDANCE. OUR FAMILY COURTS ARE STRUGGLING WITH A VERITABLE AVALANCHE, ONE THAT STATISTICS TELL US WILL SWEEP MANY CHILDREN INTO POVERTY, DRUG USE, AND DISADVANTAGED LIVES. OUR FEAR IS THAT FUTURE GENERATIONS WILL BE CONDEMNED TO THE SAME FATE. THIS IS ESPECIALLY TRUE FOR 12,000 CHILDREN WHO ARE IN FOSTER CARE AS TEMPORARY/PERMANENT WARDS OF THE COURT, AND FOR 4,600 PERMANENT WARDS AVAILABLE FOR ADOPTION.

WE, THE JUDICIAL BRANCH, ARE GOING TO RESPOND TO OUR PART OF THIS PROBLEM. AS A SOCIETY WE HAVE A HUGE STAKE IN HAVING AS MANY CHILDREN AS POSSIBLE IN SAFE, LOVING HOMES. TO THAT END, WE'VE BEEN TAKING A HARD LOOK AT HOW WE GET CHILDREN OUT OF PROCEDURAL LIMBO AND INTO PERMANENT PLACEMENTS.

EARLIER THIS WEEK, THE COURT RECEIVED THE REPORT OF AN ADOPTION WORKGROUP CONSISTING OF FAMILY COURT JUDGES, FIA OFFICIALS, AND ATTORNEYS. THE CHARGE TO THESE EXPERTS WAS TO STUDY ISSUES AFFECTING CHILDREN IN PROTECTIVE CUSTODY PROCEEDINGS, AND ESPECIALLY TO RESPOND TO AN EARLIER AUDIT BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, OF A SMALL, RANDOM SAMPLE OF COURT CASES TO JUDGE MICHIGAN'S COMPLIANCE WITH THE FEDERAL ADOPTION AND SAFE FAMILIES ACT.

THE REVIEW CONCLUDED THAT MICHIGAN IS DOING SOME THINGS VERY WELL, NOTABLY MEETING THE FEDERAL REQUIREMENT OF REVIEWING THESE CASES AT LEAST ONCE EVERY SIX MONTHS. THE STATE ALSO GOT HIGH MARKS FOR HAVING A PROCESS FOR TERMINATION OF PARENTAL RIGHTS THAT ACCORDS WITH THE ADOPTION AND SAFE FAMILIES ACT.

BUT IN SOME OTHER AREAS, THE STATE DID NOT FARE AS WELL. THREE AREAS WERE IDENTIFIED FOR IMPROVEMENT, THE FIRST BEING THAT WRITTEN CASE PLANS WERE NOT BEING DEVELOPED CONSISTENTLY FOR TEMPORARY COURT WARDS, AND THAT PARENTS, PARTICULARLY FATHERS, WERE NOT CONSISTENTLY BEING INVOLVED IN THOSE PLANS. SECOND, PERMANENCY PLANNING HEARINGS WERE NOT BEING CONSISTENTLY HELD AT LEAST ONCE EVERY 12 MONTHS. THIRD, FOSTER PARENTS, PREADOPTIVE PARENTS, AND RELATIVES WERE NOT BEING CONSISTENTLY NOTIFIED OF AND INVOLVED IN REVIEW HEARINGS. IN SHORT, WHAT THE FEDERAL REPORT FOUND IS THAT WE'RE NOT DOING A GOOD ENOUGH JOB MOVING CHILDREN OUT OF THIS PROCEDURAL MORASS AND INTO PERMANENT HOMES.

I WON'T TAKE YOU THROUGH ALL THE FINDINGS AND RECOMMENDATIONS OF THE WORKGROUP'S REPORT. FOR THE CURIOUS, YOU CAN FIND THEIR REPORT ON THE COURT'S WEBSITE. BUT ONE VERY TROUBLING FINDING IS THAT LAWYER GUARDIANS AD LITEM ARE OFTEN NOT MEETING WITH THE CHILDREN THEY REPRESENT. THERE ARE VARIOUS REASONS OFFERED FOR THE FAILURE TO MEET WITH THESE CHILD CLIENTS. USUALLY THESE APPOINTMENTS PAY VERY POORLY. THE LAWYER MAY FEEL THAT THERE'S NOTHING TO BE GAINED BY GOING TO VISIT WITH A TWO-YEAR-OLD. BUT EVEN WHEN THE CHILD IS INCAPABLE OF COMMUNICATING WITH THE ATTORNEY, THE ATTORNEY CAN CERTAINLY OBSERVE A LOT ABOUT THE CHILD AND THE CHILD'S ENVIRONMENT. ONE OF THE REPORT RECOMMENDATIONS IS TO AMEND MCR 3.915 TO REQUIRE THE FAMILY COURT TO ASK THE LAWYER WHETHER HE OR SHE HAS MET WITH THE CHILD.

ANOTHER RECOMMENDATION IS THAT TRIAL COURTS GIVE TERMINATION OF PARENTAL RIGHTS CASES THE HIGHEST POSSIBLE PRIORITY IN SCHEDULING. THE COURT WILL CERTAINLY TAKE UP THIS PROPOSAL. THE COURT OF APPEALS HAS CERTAINLY REDUCED SUBSTANTIALLY THE AVERAGE TIME FOR DISPOSITION OF THE DEPENDENCY APPEAL IN THAT COURT.

YOU PROBABLY KNOW THAT, AS OF SEPTEMBER 1, OUR COURT ACCEPTS NO MORE DELAYED APPLICATIONS FOR LEAVE TO APPEAL. WE ALSO IMPOSED A 28-DAY LIMIT ON LEAVE APPLICATIONS IN TERMINATION OF PARENTAL RIGHTS CASES. I'M SURE THAT THESE CHANGES, AND SOME THAT HAVE BEEN PROPOSED, ARE NOT VERY POPULAR WITH THE APPELLATE BENCH. OBVIOUSLY SHORTENED TIME FOR APPEALS AND RIGOROUSLY ENFORCED DEADLINES ADD ADDITIONAL CONSTRAINTS TO APPELLATE PRACTICE.

LAST TUESDAY, OUR COURT AND THE FAMILY INDEPENDENCE AGENCY ALSO FORMALLY ANNOUNCED THE CREATION OF MICHIGAN ADOPTION DAY, WHICH WILL TAKE PLACE ON TUESDAY, NOVEMBER 25, TWO DAYS BEFORE THANKSGIVING. YOU'VE PROBABLY SEEN THE DETROIT FREE PRESS FEATURE "A CHILD IS WAITING," WHICH FEATURES A CHILD OR CHILDREN WHO ARE AVAILABLE FOR ADOPTION. WELL, UNTIL I BECAME CHIEF JUSTICE, I DIDN'T KNOW JUST HOW MANY CHILDREN WERE WAITING. HERE ARE SOME NUMBERS THAT SHOULD GIVE US ALL PAUSE: AS OF JULY 31, 2003, 12,673 CHILDREN WERE TEMPORARY WARDS OF THE COURT AS A RESULT OF CHILD PROTECTIVE PROCEEDINGS. AS OF THAT SAME DATE, A TOTAL OF 19,490 CHILDREN WERE IN FOSTER CARE. AT THE END OF FISCAL YEAR 2002, MICHIGAN HAD 4,615 PERMANENT STATE WARDS AVAILABLE FOR ADOPTION; 2,833 ADOPTIONS WERE FINALIZED IN FY 2002. SO CLEARLY, THERE ARE HUNDREDS OF CHILDREN IN MICHIGAN WHO COULD AND SHOULD HAVE PERMANENT HOMES, BUT DON'T.

PART OF OUR OBLIGATION HAS TO BE DRAWING ATTENTION TO THE CHILDREN THEMSELVES. THERE IS ALSO THE CHALLENGE OF EDUCATING POTENTIAL ADOPTIVE PARENTS ABOUT THE PROCESS. SO THAT'S THE THINKING BEHIND THIS FIRST-EVER MICHIGAN ADOPTION DAY. IT'S BEEN SAID THAT ADOPTIONS ARE THE RARE HAPPY EVENT THAT COURTS GET TO PRESIDE OVER. OUR PLAN IS TO HAVE AS MANY COURTS AS POSSIBLE FINALIZE ADOPTIONS ON THAT DAY. SOME OF THE COURTS ARE GOING TO HOLD PARTIES FOR THE FAMILIES AFTERWARD. WE HOPE THIS EVENT WILL DRAW ATTENTION, NOT ONLY TO NEEDED CHANGES IN THE ADOPTION PROCESS, BUT TO THE NUMBER OF CHILDREN AVAILABLE FOR ADOPTION. WE HAVE LITERALLY THOUSANDS OF CHILDREN WHO LACK PERMANENT HOMES, AND WE NEED TO STRIKE DOWN THE BARRIERS, BE THEY UNNECESSARY COURT DELAYS, ADMINISTRATIVE EXPENSES, OR OTHER FACTORS THAT STAND BETWEEN CHILDREN AND PERMANENT PLACEMENTS. I INVITE YOU TO BECOME INVOLVED IN THIS EVENT - I KNOW THAT THE LOCAL COURTS WILL APPRECIATE HAVING YOUR

SUPPORT.

FOR MYSELF, I THINK OF THIS EFFORT AS A LIVING MEMORIAL
TO THE VICTIMS OF 9/11 - THE NOTION OF PROVIDING SAFE HOMES
TO THE FORGOTTEN AND IGNORED.
